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certain sum which it claimed he had refused and neglected to pay over. Defendant claimed that he deducted his salary as president and general manager, and that he had expended a named sum in placing on the market and selling the capital stock of the corporation in Eastern states, including traveling expenses and expenses incurred in providing entertainment and dinners to prospective purchasers of stock. At a meeting of some of the stockholders, a resolution was adopted to the effect that the president and general manager should receive a reasonable salary for past and future services, and should be reimbursed for any expenditures for the company, the amount of such salary and expenses to be determined and fixed at any regular stockholders' or directors' meeting, to be held at some future time. Nothing was ever done pursuant to this resolution, and the question was never brought before the corporation. Defendant presented no account to the directors and made no effort to obtain a settlement, but retained the money for his own use. The United States Circuit Court of Appeals holds, in *Ebner v. Alaska Mildred Gold Min. Co.*, 167 Federal Reporter, 456, that, in the absence of any contract therefor, defendant, as president of the corporation, could not charge it with the sums expended, and that he was not entitled to any salary where he performed only the services required of him as president under the by-laws, in the absence of any agreement that he was to be allowed a salary.

Malicious Eviction of Tenant.—A verdict for exemplary damages for the malicious eviction of a tenant was sustained by the Kansas Supreme Court in *Walterscheid v. Crupper*, 100 Pacific Reporter, 623. Plaintiff was an old man 74 years of age and his wife was confined to her bed with sickness. Defendants and their agents forcibly entered on the premises and willfully and maliciously removed a portion of the roof and left it in that condition, one of the workmen objecting because it looked like it was going to rain. During the night a heavy rain fell, in consequence of which plaintiff claimed his health was injured by the exposure. After reviewing the evidence, the court says that all the circumstances indicated that defendant acted willfully and wantonly for the purpose of rendering the house uninhabitable, so that plaintiff and his family would be compelled to vacate the premises. In commenting on the defendant's conduct the court adopts the language of the Illinois Supreme Court expressed in a similar case. "The whole conduct of the parties was an outrage upon individual rights and upon the law, and all the circumstances indicate wantonness and malice. In such a case exemplary damages were properly awarded, and no court should weigh the testimony nicely for the purpose of reducing the amount."

Following Mandate of Appellate Court in Entering Erroneous Decree.—A lessee filed a bill to enjoin the lessor from declaring a for-

feiture of the case, and from repossessing itself of the premises. The circuit court found that the lessee was in arrears for a certain amount, and decreed that, on payment of such amount within 10 days, the temporary injunction theretofore issued should be made perpetual, and that on default it should stand dissolved. On appeal, the appellate court reversed that part of the decree requiring payment of such amount, and made the injunction perpetual unconditionally. The Supreme Court, in effect, reversed this decree and affirmed the circuit court; the only difference in the decree directed by the Supreme Court and the original decree of the circuit court being that the time within which the payment was to be made was changed from 10 days to 30 days. On reinstatement of the cause in the circuit court, it rendered a decree following the direction of the Supreme Court. On a second appeal, it was contended that there was error in the decree of the circuit court. In reference to this question, the Supreme Court says in *Chicago Railway Equipment Co. v. National Hollow Brake-Beam Co.*, 87 *Northeastern Reporter*, 872, that a decree entered in accordance with its directions cannot be erroneous; that it may err in its directions to an inferior court, but, however erroneous the directions given may be, it is the duty of that court to strictly follow the directions contained in the mandate. The only question, therefore, which was open to consideration on the second appeal, was whether the decree of the circuit court was in accordance with the mandate of the Supreme Court.

Power of Congress to Punish for Harboring Immoral Alien Women.

—The power of Congress to punish the offense of harboring for immoral purposes an alien woman within three years of her entrance of the United States was the question presented in *Keller v. United States*, 29 *Supreme Court Reporter*, 470. The woman whom defendant was indicted for harboring was merely furnished by him with a place to follow her degraded calling. The Federal Supreme Court held that such regulations were solely within the power of the states, and that for Congress to attempt such legislation in the exercise of a police power would bring us face to face with such a change in the internal conditions of our country as was never dreamed of by the framers of the Constitution.

Right to Withdraw Request for Divorce.—A husband filed a complaint in divorce against his wife, who thereupon filed an answer and a cross-complaint charging him with violation of his marriage obligation, but not praying for a divorce. The jury having found both parties guilty of extreme cruelty, one of the attorneys remarked to another, in their presence, that a verdict had been secured which prevented the granting of a divorce. Thereupon one of the jurors said that it was not his intention to render such a verdict. The jury was